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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/657,144	09/09/2003	David Alexander	IMMR-IMD0002E	1898

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COOLEY GODWARD LLP
ATTN: PATENT GROUP
11951 FREEDOM DRIVE, SUITE 1700
ONE FREEDOM SQUARE- RESTON TOWN CENTER
RESTON, VA 20190-5061

EXAMINER	
STOICA, MARIA	
ART UNIT	**PAPER NUMBER**
3715	

DATE MAILED: 01/25/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/657,144	ALEXANDER ET AL.	
	Examiner	Art Unit	
	Maria Stoica	3715	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on *02 September 2005*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *12,13 and 16-31* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☒ Claim(s) *17 and 21-31* is/are allowed.

6)☐ Claim(s) *12,13,16 and 18-20* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

The factual inquiries set forth in *Graham* **v.** *John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

1. Claims 12,13,16 and 18-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Crabtree et al (US 3,520,060) in view of Younker (US 5,951,301) and Bailey (US 5,800,179). Regarding claim 12, Crabtree et al discloses a mock anatomical apparatus having an orifice (fig 1) configured to receive a peripheral device (fig 1, item 28), wherein the mock anatomical site is pivotable, the site further containing a retainer and a first ring disposed proximate to the orifice, the ring configured to rotate about the retainer (Col 3, lines 65-70), and a locking mechanism configured to prevent movement of the orifice when the locking mechanism is in a locked position (Co1 4, lines 56-63). Crabtree et al does not specifically disclose a resiliency-providing material through which a peripheral device is guided or a sensing assembly. However, Younker teaches a mock anatomical apparatus having an orifice configured to receive a peripheral device (Fig 1), a resiliency-providing material through which a peripheral device is guided (Co1 5, lines 54-58 and 13-22). Younker does not specifically teach a sensing assembly. However, Bailey teaches an anatomical apparatus used for training with an orifice configured to receive a peripheral device and guide said device through the apparatus to a sensing assembly (Col 4, lines 9-25). Therefore, it would have been obvious to one of ordinary skill in the art to provide a mock anatomical apparatus having an orifice configured to receive a peripheral device, wherein the mock anatomical site is pivotable, the site further containing a retainer and a first ring disposed proximate to the orifice, the ring configured to rotate about the retainer, and a locking mechanism configured to prevent movement of the orifice when the locking mechanism is in a locked position as disclosed by Crabtree et al with a mock anatomical apparatus having an orifice

configured to receive a peripheral device and a resiliency-providing material through which a peripheral device is guided as taught by Younker with an orifice configured to receive a peripheral device and guide said device through the apparatus to a sensing assembly as taught by Bailey for the purposes of providing force feedback for insuring greater accuracy in the use of the mock anatomical apparatus for training.

Regarding claim 13, Crabtree et al does not specifically disclose a resiliency-providing material through which a peripheral device is guided, or that such a material is made of foam. However, Younker teaches a mock anatomical apparatus wherein a resiliency-providing material is foam (Col 4, lines 64-66). Therefore, it would have been obvious to one of ordinary skill in the art to provide a mock anatomical site as disclosed by Crabtree et al with a resiliency-providing material made of foam as taught by Younker for the purposes of protection of instruments and extremities that may be inserted into the mock anatomical site.

Regarding claim 16, Crabtree et al discloses a mock anatomical apparatus having an orifice with a locking mechanism wherein the locking mechanism uses a frictional force to prevent movement of the orifice (Col 4, lines 55-63).

Regarding claim 18, Crabtree et al./Younker discloses a mock anatomical apparatus having an orifice configured to receive a peripheral device, coupled and spaced apart from a housing. Crabtree et al/Younker does not specifically disclose a sensing assembly. However, Bailey teaches an anatomical apparatus used for training with an orifice configured to receive a peripheral device and guide said device through the apparatus to a sensing assembly (Col 4, lines 9-25). Therefore, it would have been

obvious to one of ordinary skill in the art to provide a mock anatomical apparatus having an orifice configured to receive a peripheral device, coupled and spaced apart from a housing as disclosed by Crabtree et al/Younker with an anatomical apparatus used for training containing a sensing assembly as taught by Bailey for the purposes of providing force feedback to students using the mock anatomical apparatus for training.

Regarding claim 19, Crabtree et al/Younker discloses a mock anatomical apparatus used for training having an orifice configured to receive a peripheral device. Crabtree et al/Younker does not specifically disclose that the apparatus comprises a mock face and a mock torso housing. However, Bailey teaches a mock anatomical apparatus that comprises a mock face and a mock torso housing (Fig 1). Therefore, it would have been obvious to one of ordinary skill in the art to provide a mock anatomical apparatus used for training having an orifice configured to receive a peripheral device as disclosed by Crabtree et al/Younker with a mock face and a mock torso housing as taught by Bailey for the purposes of greater verisimilitude with a human subject.

Regarding claim 20, Crabtree et al discloses a mock anatomical apparatus used for training in which a mock anatomical site is functionally coupled to a pivotable torsion tube (Co1 3, lines 65-70).

Allowable Subject Matter

2. Claims 17 and 21-31 are allowed. The prior art does not teach or suggest a pivotable mock anatomical site consisting of a retainer and ring proximate to the orifice configured to rotate and lock the orifice into position and using one of a frictional force

and a pressure force to prevent movement of the orifice when said orifice has been pivoted into the proper position for a training procedure in which the locking assembly is coupled to the pivoting mechanism.

Response to Arguments

Applicant's arguments filed 2 September 2005 have been fully considered but they are not persuasive.

3. In response to Applicant's argument that Crabtree does not disclose a retainer and a first ring, Examiner disagrees. Crabtree discloses a retainer (Figure 1, item 60) and a first ring configured to rotate about the retainer (Figure 1, item 58). This rotating mechanism is further described in col. 3, lines 72-74.

4. In response to Applicant's argument that Crabtree does not disclose a locking mechanism that is configured to prevent movement of the orifice, Examiner disagrees. An orifice is, by definition, an opening. Therefore, the orifice in this instance is the mouth of the apparatus. The applicant agrees that Crabtree discloses "a lock system that controls various opening positions of a mouth of a skull" (p. 10 of the Remarks).

5. In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988)and *In re*

Jones, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, the Crabtree, Yonker, and Bailey references were properly combined as all three references disclose teaching and training devices to be used on medical students for the purpose of expediting learning.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Maria Stoica whose telephone number is (571) 272-5564. The examiner can normally be reached on M-F: 8:00am - 4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Monica Carter can be reached on (571) 272-4475. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

MS

Monica S. Carter
MONICA CARTER
SUPERVISORY PATENT EXAMINER